

## Message Text

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ACTION L-03

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 IO-13 SCI-06 EPA-04 CEQ-02

NEA-10 DRC-01 /152 W

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P R 251437Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 7626

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 13845

E.O. 11652: GDS

TAGS: PGove, WE, GW, UR

SUBJECT: FRG ENVIRONMENTAL OFFICE IN BERLIN

REF: (A) STATE 189359; (B) BONN 13756; (C) BERLIN 1625;

(D) BERLIN 1631; (E) BONN 13594; (F) BONN 13284

SUMMARY: DURING SEPTEMBER 24 BONN GROUP DISCUSSION OF SOVIET COMMUNICATION PROTESTING FRG PLANS TO LOCATE FEDERAL OFFICE ON ENVIRONMENT IN BERLIN, FRG REP (BLECH) URGED BROADENING SCOPE OF REPLY TO ALLOW ITS USE BY FRG VIS-A-VIS SOVIETS, FOR EXAMPLE, IN UPCOMING SCHEEL VISIT TO MOSCOW. BLECH SAID THAT SOVIETS WERE CONTINUOUSLY PUSHING LINE OF REFERRING TO BERLIN AGREEMENT'S ANNEX II LANGUAGE THAT WEST BERLIN IS NOT A CONSTITUENT PART FRG AND IMPLYING THAT NEW FRG PRESENCE IN WSB WAS ITSELF VIOLATION THIS PROVISION. PRESENT SITUATION REGARDED BY FRG AS OPPORTUNITY FOR THREE ALLIES TO PUT SELVES ON RECORD AS SEEING NO CONFLICT BETWEEN ESTAB-  
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LISHMENT FRG OFFICES IN BERLIN AND FACT WSB NOT CONSTIT-

UENT PART FRG. ACTION REQUESTED: DEPARTMENT'S  
INSTRUCTIONS ON PROPOSALS DISCUSSED BELOW. END SUMMARY

1. FOLLOWING DEPARTMENT GUIDANCE (REFTEL A) EMB BONN GROUP REPS PRESENTED MODIFIED DRAFT SEPTEMBER 24 BOTH IN TRIPARTITE AND IN BONN GROUP MEETINGS. IN FORMER, BOTH FRENCH AND UK REPS STATED STRONG OBJECTIONS TO USE PARA 2 OF WORD "IMPLIED" AND PHRASE "OR SUPPORTED BY NEGOTIATING HISTORY OF THE AGREEMENT." BOTH SAID THAT THIS COULD TAKE US INTO DIFFICULT GROUND OF ARGUING WITH SOVIETS OVER WHAT WAS IN PEOPLE'S MINDS AND NOT OVER WHAT TEXT SAYS. FRENCH AND UK REPS ARGUED THAT, WHILE OUR PROPOSED CHANGES WERE ACCURATE FROM ALLIED POINT OF VIEW, SOVIETS UNDOUBTEDLY HAD OWN VERSION OF NEGOTIATING HISTORY AND COULD WELL READ THEIR OWN IMPLICATIONS INTO THE AGREEMENT. AS A COMPROMISE SOLUTION, FRENCH REP SUGGESTED REVERTING BACK TO SEPTEMBER 13 TEXT (REFTEL F) AND REPLACING SECOND SENTENCE PARA 2 WITH "NO SUCH LIMITATION IS REFLECTED IN THE QA AND ITS ASSOCIATED DOCUMENTS." IT WAS AGREED TO REPORT THIS PROPOSAL TO CAPITALS.

2. REGARDING DEPARTMENT'S INSTRUCTIONS ON PARA 3 OF REPLY, US REP DREW ON PARA 4 REFTEL A TO EXPLAIN POSITION. BOTH FRENCH AND UK REPS ASSERTED THAT OMISSION OF ANY LANGUAGE ON THREE POWER CONTROL OF PROPOSED FRG ENVIRONMENT OFFICE WOULD GREATLY WEAKEN ALLIED CASE. BOTH REPS SAID THERE COULD BE NO DOUBT ABOUT ALLIED RESPONSIBILITY TO ENSURE THAT NO FRG OFFICE IN WSB WOULD BE IN VIOLATION OF QA, AND SAID ALLIES MUST INCLUDE SUCH RECOGNITION IN REPLY TO SOVIET COMMUNICATION. THREE POWERS WOULD THUS BE IN POSITION TO SAY TO SOVIETS THAT WE KNOW WHAT OUR RESPONSIBILITIES ARE, THAT WE HAVE SITUATION WELL IN HAND, AND THAT USSR SIDE NEED NOT BE CONCERNED. IT WAS AGREED THAT THE FOLLOWING PROPOSED CHANGES TO DEPARTMENT'S DRAFT WOULD BE SUBMITTED TO CAPITALS: (A) END FIRST SENTENCE PARA 3 AFTER WORD "TIES." (B) SECOND SENTENCE WOULD READ: "THIS ORGANIZATION WOULD NOT BE AUTHORIZED TO ACT IN A MANNER INCONSISTENT WITH QA AND ITS ASSOCIATED

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DOCUMENTS...ETC." COUCHING THIS SENTENCE IN THE NEGATIVE WOULD AVOID APPARENT COMMITMENT TO USSR FOR EXPLICIT AK AUTHORIZATION REACTION OF ALL FUTURE FEDERAL OFFICES TO BE LOCATED IN WSB.

3. AT LATER FULL BONN GROUP MEETING, FRG REP (BLECH) MADE FORCEFUL PRESENTATION REQUESTING INCLUSION REBUTTAL OF SOVIET POSITION THAT ESTABLISHMENT OF ANY NEW FRG

PRESENCE IN WSB, REGARDLESS OF FUNCTION, WAS ITSELF A VIOLATION ANNEX II PARA 1 LANGUAGE THAT WSB NOT CONSTITUENT PART OF THE FRG. BLECH SAID THAT GROMYKO HAD TOLD SCHEEL IN NEW YORK (REFTEL B) THAT FRG ESTABLISHMENT OF ANY KIND OF NEW OFFICE IN WSB WAS A MATTER TOUCHING ON STATUS. BLECH SAID THAT FRG WILL CONTINUE TO ARGUE VIS-A-VIS SOVIETS THAT "NOT A CONSTITUENT PART" LANGUAGE IS NOT THE OPERATIONAL PHRASE

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BUT ONLY A QUALIFICATION OF "TIES" LANGUAGE WITH TOTAL MEANING BEING THAT CONTINUED DEVELOPMENT FRG-WSB TIES WILL NOT CHANGE WSB INTO CONSTITUENT PART OF FRG. HOWEVER, BLECH CONTINUED, IT WOULD BE VERY USEFUL (FOR USE BY SCHEEL IN MOSCOW FOR EXAMPLE) AND MORE AUTHORITATIVE IF THREE ALLIES WOULD PUT THEMSELVES ON RECORD WITH THE SOVIETS ALONG ABOVE LINES.

4. FRENCH REP (PAYE) AGREED, SAYING IT CLEAR THAT ISSUE HAS ATTENTION OF HIGH LEVELS SOVIET GOVERNMENT AND THAT ALLIED REPLY MUST BE ADDRESSED TO OVERALL SOVIET POSITION. UK REP (CROMARTIE) WONDERED WHETHER SOVIET PROTESTS WERE NOT, IN FACT, BECOMING OF "DIMINISHING FORMALITY" SINCE TWO EARLIER PROTESTS (NOTE OF DECEMBER 21, 1972 AND AIDE-MEMOIRE OF JULY 23, 1973) HAD BEEN WRITTEN AND FORMALLY HANDED OVER. CROMARTIE SAID HE WOULD BE INCLINED TO RESERVE AN ALLIED STATEMENT FOR CONFIDENTIAL

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ANY SUBSEQUENT FORMAL EXCHANGE. FRENCH REP DISAGREED, SAYING HE COULD SEE LITTLE USE IN RESERVING AMMO FOR FURTHER DISPUTE. PAYE ARGUED THAT IF COMPLETE ANSWER NOT GIVEN NOW, WE COULD WELL EXPECT FURTHER EXCHANGES ON ISSUE. FRG REP AGAIN ASSERTED STRONG WISH THAT MAIN POINT OF WHAT HE SAW AS SOVIET CONTENTION--THAT ESTABLISHMENT PER SE OF NEW FRG PRESENCE IN WSB WAS A PRIORI QA VIOLATION--BE DIRECTLY COUNTERED.

4. AFTER EXTENSIVE DISCUSSION ABOVE POINTS, IT WAS AGREED TO REPORT SUGGESTED LANGUAGE WHICH WOULD MEET FRG DESIRES TO CAPITALS AND REQUEST INSTRUCTIONS. PROPOSAL (A) WOULD READ AS FOLLOWS: (1) QUOTED LANGUAGE FROM ANNEX II AT END PARA 2 WOULD CONTINUE TO END OF SENTENCE, WHICH ENDS "NOT TO BE GOVERNED BY IT." (2) PARA 3 WOULD READ: "WHILE CONTRIBUTING TO THE DEVELOPMENT OF THESE TIES, THE LOCATION IN THE WSB OF THE PROPOSED ORGANIZATION WOULD NOT CONTRAVENE THIS PROVISION OF THE QA. MOREOVER, THIS ORGANIZATION WOULD NOT BE AUTHORIZED TO ACT IN A MANNER INCONSISTENT WITH THE QA...ETC." PROPOSAL (B) WOULD READ AS FOLLOWS: (1) PARA TWO THE SAME AS UNDER PROPOSAL (A). (2) PARA THREE: "IN CONFORMITY WITH THIS PROVISION, THE LOCATION IN WSB OF THE PROPOSED ORGANIZATION WOULD CONTRIBUTE TO THE DEVELOPMENT OF THESE TIES. MOREOVER, THIS ORGANIZATION WOULD NOT BE AUTHORIZED TO ACT IN A MANNER INCONSISTENT WITH THE QA...ETC."

5. COMMENT: GIVEN PRESENT STATE OF FRG PROBLEMS WITH EES (ENVIRONMENT OFFICE, RECHTSHILFE, ETC) EMB CONSIDERS THAT, ON BALANCE, WE SHOULD GO ALONG WITH FRG REQUEST. ALTHOUGH OUR STATEMENT IS OBVIOUSLY NOT GOING TO SOLVE THE PROBLEMS NOW FACED BY THE FRG, IT WILL PUT OUR VIEWS ON THE RECORD AND PROVIDE THE FRG WITH SOME ALLIED BACKING WHEN THEY DO TAKE THESE PROBLEMS UP IN THE BILATERAL CONTEXT WITH THE SOVIETS.

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